

# Court of Appeals, State of Michigan

## ORDER

Estate of Joseph J Favazza Jr v Auto-Owners Insurance Co

Docket No. 294705

LC No. 06-062957-NF

Peter D. O'Connell  
Presiding Judge

Kathleen Jansen

Christopher M. Murray  
Judges

---

The Court, acting under MCR 7.203(F)(2), orders that the motion for reconsideration is DENIED. Contrary to the apparent premise of appellant's motion, the four subparagraphs of MCR 7.204(A)(1)(a)-(d) cannot reasonably be read as providing four completely distinct periods for the filing of a claim of appeal. Particularly, such a construction would render subparagraph (c) nugatory because the 14-day period for filing a claim of appeal it provides with regard to an order terminating parental rights would be subsumed within the general 21-day period for filing a claim of appeal provided by subparagraph (a). See, e.g., *Aspey v Memorial Hosp*, 477 Mich 120, 131; 730 NW2d 695 (2007) (a statute should not be interpreted to render it nugatory). Rather, the subparagraphs of MCR 7.204(A)(1)(a)-(d) must be read together in context. In context, subparagraph (a) is inapplicable to the situation controlled by subparagraph (b), namely where a motion for relief from the order being appealed from has been filed in the lower court. Thus, this Court properly dismissed the claim of appeal because it was filed *before* the pending motion for reconsideration was decided by the trial court when subparagraph (b) requires a claim of appeal to be filed *after* a pending motion for relief from the order being appealed from has been decided by the lower court.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 26 2010  
Date

*Sandra Schultz Mengel*  
Chief Clerk